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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,891	12/14/2000	Brian D. Kling	BS00-197	5760

38823 7590 01/26/2005

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EXAMINER	
GOLD, AVI M	

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/735,891	KLING, BRIAN D.	
	Examiner	Art Unit	
	Avi Gold	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 July 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) *21* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The amendment received on July 26, 2004 has been entered and fully considered.

Response to Amendment

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 6-10, 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otorii, U.S. Patent No. 5,632,018, further in view of Nakashima et al., U.S. Patent No. 6,470,385.

Otorii teaches the invention substantially as claimed including a broadcast system for broadcasting a response to answer a broadcast message in an electronic mail system (see abstract).

As to claim 1, Otorii teaches a method for sending electronic mail from a client operating within a client-server architecture, the method comprising the steps of:

(a) provisioning the client with client broadcast messaging software (col. 3, lines 51-65; Otorii discloses a client broadcasting email);

(b) provisioning a server with server broadcast messaging software,

wherein the server is in communication with the client (col. 3, lines 3-15; Otorii discloses a server broadcasting email);

(c) broadcasting from the client a message in a format of the broadcast messaging software, where the message contains the electronic mail (col. 3, lines 31-65);

(d) receiving the message at the server (col. 3, lines 31-65; Otorii discloses the electronic mail server receiving the email);

Otorii fails to teach the limitation further including (e) reformatting the message from a format of the broadcast messaging software to a format compatible with an email server; and (f) forwarding the reformatted message to the email server.

However, Nakashima teaches a network monitoring system, a monitored controller, and a monitoring controller with increased efficiency in network monitoring activities (see abstract). Nakashima teaches the use of a message format being converted (col. 4, lines 52-58) and reformatted messages being sent to the server (col. 5, lines 13-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Otorii in view of Nakashima to reformat the message from a format of the broadcast messaging software to a format compatible with an email server and forward the reformatted message to the email server. One would be motivated to do so because it would allow the email server to be compatible with the broadcast messages.

Regarding claim 2, Otorii teaches the method of claim 1, wherein the step of broadcasting the message comprises multicasting the message to a group of network components in communication with the client, and wherein the server is in the group of network components in communication with the client (col. 3, lines 39-45; Otorii discloses sending a message to multiple users through the broadcast server).

Regarding claim 3, Otorii teaches the method of claim 1, wherein the step of broadcasting the message containing the electronic mail comprises the steps of:

(i) identifying a triggering event that precipitates a need for the electronic mail (col. 3, lines 3-24; Otorii discloses the server being told to send a message);

(ii) determining an email body, an email subject, and an email address for the electronic mail, wherein the email body, the email subject, and the email 5 address correspond to the triggering event (col. 3, lines 3-24; Otorii discloses an email being sent); and

(iii) instructing the client broadcast messaging software to broadcast the message containing the electronic mail, wherein the electronic mail contains the email body, the email subject, and the email address (col. 3, lines 3-24; Otorii discloses email being broadcasted).

Regarding claim 6, Otorii teaches the method of claim 3, wherein determining the email body, the email subject, and the email address comprises consulting a database

cross-referencing triggering events with email bodies, email subjects, and email addresses (col. 4, lines 21-50; Otorii discloses various email fields).

Regarding claim 7, Otorii teaches the method of claim 3, wherein determining the email body, the email subject, and the email address comprises a user manually entering the email body, the email subject, and the email address into a test program of the client broadcast messaging software (col. 4, lines 21-50).

Regarding claims 8 and 32, Otorii teaches the method of claims 3 and 29, further comprising the step of forwarding the electronic mail from the email server through a network to the email address (col. 3, lines 65-67; col. 4, lines 1-11; Otorii discloses email sent from server to an email address).

Regarding claim 9, Otorii teaches the method of claim 1, wherein the step of broadcasting the message containing the electronic mail comprises the steps of

(i) determining an email body, an email subject, and an email address using data processing software (col. 4, lines 21-50);

(ii) accessing an application program interface of the data processing software (col. 4, lines 21-50, Otorii discloses an electronic mailbox);

(iii) sending the email body, the email subject, and the email address to the application program interface (col. 4, lines 21-50; Otorii discloses sending email contents to mailboxes); and

(iv) accessing the client broadcast messaging software with the application program interface and instructing the client broadcast messaging software to broadcast the message, wherein the message contains the email body, the email subject, and the email address. (col. 4; lines 51-58; Otorii discloses email being broadcast).

Regarding claim 10, Otorii, teaches the method of claim 1, further comprising the step of forwarding the electronic mail from the email server through a network to an email address (col. 3, lines 65-67, col. 4, lines 1-11).

Regarding claim 12, Otorii teaches the method claim 1, wherein the message includes a subject in accordance with subject-based addressing of the client broadcast messaging software and the server broadcast messaging server, and wherein the server is configured to recognize the subject and read the message (col. 4, lines 21-51; Otorii discloses the server reading the subject and message).

Regarding claims 14 and 24, Otorii teaches the method and system of claims 1 and 16, wherein the client broadcast messaging software is different from, but compatible with, the server broadcast messaging software (col. 3, Otorii discloses broadcast software for client and server).

As to claim 16, Otorii teaches a system for sending an electronic mail from a client in a client-server architecture, the system comprising:

(a) a plurality of clients, wherein each client of the plurality of clients contains client broadcast messaging software, data processing software, and a client application program interface, and wherein each client is in communication with the plurality of clients (col. 3, lines 51-65);

(b) a messaging server in communication with the plurality of clients, wherein the messaging server contains server broadcast messaging software (col. 3, lines 3-15) and an email application program interface, wherein the email application program interface is adapted to receive a message containing the electronic mail (col. 3, lines 31-65).

Otorii fails to teach the limitation further including the reformatting of the message from a format compatible with the server broadcast messaging software to a format compatible with an email server; and (c) an email server in communication with the messaging server.

However, Nakashima teaches the use of a message format being converted (col. 4, lines 52-58) and reformatted messages being sent to the server (col. 5, lines 13-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Otorii in view of Nakashima to reformat the message from a format of the broadcast messaging software to a format compatible with an email server and an email server in communication with the messaging server.

As to claim 17, Otorii teaches the system of claim 16, wherein the data processing software monitors for a triggering event requiring email and determines an email body, an email subject, and an email address for the electronic mail, wherein the

email body, the email subject, and the email address correspond to the triggering event (col. 3, lines 3-24)

As to claim 18, Otorii teaches the system of claim 16, wherein the data processing software is a testing program of the client messaging software through which a user can enter an email body, an email subject, and an email address for the electronic mail (col. 4, lines 21-50).

As to claim 19, Otorii teaches the system of claim 16, wherein the client application program interface is adapted to instruct the client broadcast messaging software to send a message 10 containing the electronic mail to the messaging server (col. 3, lines 3-24).

As to claim 23, Otorii teaches the system of claim 16, wherein the client broadcast messaging software enables broadcasts and multicasts from the plurality of clients (col. 3, lines 3-65).

As to claim 25, Otorii teaches the system of claim 16, wherein the client broadcast messaging software is the same as the server broadcast messaging software (col. 3).

As to claim 27, Otorii teaches the system of claim 16, wherein the email server is adapted to receive the electronic mail and forward the electronic mail through a network (col. 3, lines 65-67; col. 4, lines 1-11).

As to claims 29 and 34, Otorii teaches a method and system for sending an electronic mail comprising the steps of:

(a) broadcasting from a client computer a message in a broadcast format, wherein the message contains the electronic email, wherein the client computer is part of a client-server architecture (col. 3, lines 31-65),

and wherein the client computer does not have electronic mail software;

(b) receiving the message at a server computer of the client-server architecture (col. 3, lines 31-65).

Otorii fails to teach the limitation further including the (c) reformatting the message from a broadcast format to an email format; and (d) forwarding the reformatted message to an email server that is compatible with the email format.

However, Nakashima teaches the use of a message format being converted (col. 4, lines 52-58) and reformatted messages being sent to the server (col. 5, lines 13-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Otorii in view of Nakashima to reformat the message from a format of the broadcast messaging software to a format compatible with an email server and forward the reformatted message to the email server.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otorii and Nakashima further in view of Chuah et al., U.S. Patent No. 6,400,722.

Otorii teaches the invention substantially including a broadcast system for broadcasting a response to answer a broadcast message in an electronic mail system (see abstract). Nakashima teaches the invention substantially including a network monitoring system, a monitored controller, and a monitoring controller with increased efficiency in network monitoring activities (see abstract).

As to claim 4, Otorii and Nakashima teach the method of claim 3.

Otorii and Nakashima fail to teach the limitation further including the client monitoring data traffic in a digital wireless packet switching network and the triggering event is an overload on network capacity that requires a change in traffic routing.

However, Chuah teaches the optimization of routing mobile end systems to desired communications servers (see abstract). Chuah teaches the use of wireless packet switching (col. 2, lines 43-62).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Otorii and Nakashima in view of Chuah to use a digital wireless packet switching network and the triggering event as an overload on network capacity that requires a change in traffic routing. One would be motivated to do so because the broadcast could be used to alert users of the change in traffic routing.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otorii and Nakashima further in view of Kozdon et al., U.S. Patent No. 6,456,601.

As to claim 5, Otorii and Nakashima teach the method of claim 3.

Otorii and Nakashima fail to teach the limitation further including the client monitoring hard disk space on other clients, and the triggering event is a shortage of hard disk space.

However, Kozdon teaches a method and system for providing call progress tones and audible announcements in a distributed, packetized network environment (see abstract). Kozdon teaches the use of need for more storage (col. 2; lines 5-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Otorii and Nakashima in view of Kozdon to use a client monitoring hard disk space on other clients, and the triggering event as a shortage of hard disk space. One would be motivated to do so because the broadcast could be used to alert users of the shortage of hard disk space.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otorii and Nakashima further in view of Rogers et al., U.S. Patent No. 6,301,484.

As to claim 11, Otorii and Nakashima teach the method of claims 1 and 10.

Otorii and Nakashima fail to teach the limitation further including the email address is an email address of a wireless pager.

However, Rogers teaches a method and apparatus for remote control of software and hardware features in a wireless communication device using Short Message Services (see abstract). Rogers teaches the use of email on a wireless device (col. 3, lines 58-67; col. 4, lines 1-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Otorii and Nakashima in view of Rogers to use an email address of a wireless pager. One would be motivated to do so because the important messages could be broadcast to users away from their computers.

6. Claims 13, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otorii and Nakashima further in view of Bookspan et al., U.S. Patent No. 6,636,888.

As to claim 13, Otorii and Nakashima teach the method of claim 1.

Otorii and Nakashima fail to teach the limitation further including the use of the making the format compatible with the email server is Messaging Application Program Interface (MAPI).

However, Bookspan teaches the scheduling of presentation broadcasts in an integrated network environment (see abstract). Bookspan shows evidence of the use of MAPI (col. 14, lines 25-36).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Otorii and Nakashima in view of Bookspan to use MAPI. One would be motivated to do so because it provides a consistent interface that is well known in use for email servers.

As to claims 20 and 22, Otorii and Nakashima teach the method of claim 16.

Otorii and Nakashima fail to teach the limitation further including the client and email application program interface are one of a dynamic link library, a control, and an object module.

However, Bookspan teaches the scheduling of presentation broadcasts in an integrated network environment (see abstract). Bookspan shows evidence of the use of dynamic link library, a control, and an object module (col. 20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Otorii and Nakashima in view of Bookspan to use a dynamic link library, a control, and an object module. One would be motivated to do so because they provide appropriate functionality to the API.

7. Claims 15, 26, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otorii and Nakashima further in view of Lewis, U.S. Patent No. 6,513,019.

As to claims 15, 26, and 30, Otorii and Nakashima teach the method and system of claims 1, 16, and 29.

Otorii and Nakashima fail to teach the limitation further including the client broadcast messaging software and the server broadcast messaging software are TIB Rendezvous.

However, Lewis teaches a data processing system that provides substantial throughput for consolidation, integration, structuring, storage and distribution of financial

data (see abstract). Lewis shows evidence of the use of TIB Rendezvous (col. 9, lines 60-67; col. 10, lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Otorii and Nakashima in view of Lewis to use TIB Rendezvous. One would be motivated to do so because it is a well-known software used in messaging.

8. Claims 28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otorii and Nakashima further in view of Ooe, U.S. Patent No. 6,330,238.

As to claims 28 and 31, Otorii and Nakashima teach the method of claims 16 and 29.

Otorii and Nakashima fail to teach the limitation further including the server broadcast messaging software and the email application program interface are a single Transaction Control Protocol / Internet Protocol program and the client computer uses Transaction Control Protocol / Internet Protocol software to broadcast the message containing the electronic mail, and wherein the server computer uses Transaction Control Protocol / Internet Protocol software to receive the message.

However, Ooe teaches a multicast transmission method of transmitting data to a plurality of nodes belonging to a specific group in a communication network based upon a protocol such as TCP/IP (see abstract). Ooe shows evidence of the use of TCP/IP for email and broadcast.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Otorii and Nakashima in view of Ooe to use TCP/IP for email and

broadcast. One would be motivated to do so because TCP/IP is a well-known protocol used for messaging.

9. Claims 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otorii and Nakashima in view of Lewis, U.S. Patent No. 6,513,019, further in view of Bookspan et al., U.S. Patent No. 6,636,888

As to claims 33 and 35, Otorii and Nakashima teach the method and system of claims 29 and 34.

Otorii and Nakashima fail to teach the limitation further including the broadcast format is a TIB Rendezvous format and the email format is a Messaging Application Program Interface (MAPI) format.

However, Lewis teaches a data processing system that provides substantial throughput for consolidation, integration, structuring, storage and distribution of financial data (see abstract). Lewis shows evidence of the use of TIB Rendezvous (col. 9, lines 60-67; col. 10, lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Otorii and Nakashima in view of Lewis to use TIB Rendezvous. One would be motivated to do so because it is a well-known software used in messaging

Otorii, Nakashima, and Lewis fail to teach the limitation further including the email format is a Messaging Application Program Interface (MAPI) format.

However, Bookspan teaches the scheduling of presentation broadcasts in an integrated network environment (see abstract). Bookspan shows evidence of the use of MAPI (col. 14, lines 25-36).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Otorii and Nakashima in view of Bookspan to use MAPI. One would be motivated to do so because it provides a consistent interface that is well known in use for email servers.

Response to Arguments

10. Applicant's arguments filed July 26, 2004 have been fully considered but they are not persuasive. It is inherent that a client would have broadcast messaging software to broadcast an email as shown in column 3, lines 51-65 in Otorii. The combination, not each individual reference on its own, of Nakashima and Otorii allows for the reformatting of a broadcast message as shown in Nakashima in column 4, lines 52-58. In addition Nakashima does disclose the conversion of a broadcast message to a different format.

11. In response to applicant's argument that there is no suggestion to combine the references of Otorii and Nakashima, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one

of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the knowledge is generally available to one of ordinary skill in the art.

12. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,003,070 to Frantz.

U.S. Pat. No. 6,356,356 to Miller et al.

U.S. Pat. No. 6,556,835 to Raivisto.

U.S. Pat. No. 6,421,706 to McNeill et al.

U.S. Pat. No. 6,085,101 to Jain et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 571-272-4002. The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold

Patent Examiner

Art Unit 2157

AMG

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